

ARKANSAS SUPREME COURT

No. CR 07-337

CHET MURRY
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered May 3, 2007

PRO SE MOTION FOR BELATED
APPEAL OF ORDER [CIRCUIT
COURT OF PULASKI COUNTY, CR
2004-4537, HON. MARION
HUMPHREY, JUDGE]

MOTION DENIED.

PER CURIAM

On March 28, 2005, judgment was entered in the Circuit Court of Pulaski County reflecting that petitioner Chet Murry had entered a plea of guilty to failure to register as a sex offender and was sentenced as a habitual offender to seventy-two months' imprisonment. Subsequently, petitioner timely filed in the trial court a pro se petition for postconviction relief pursuant to Ark. R. Crim. P. 37.1. The court denied the petition in an order entered October 7, 2005. Petitioner did not file a notice of appeal within the thirty-day period allowed by Ark. R. App. P.--Civ. 4(a) to file a timely notice of appeal.¹

On April 3, 2007, petitioner filed in this court the instant motion seeking leave to proceed with a belated appeal of the October 7, 2005, order. Petitioner offers no grounds in the motion to

¹On November 17, 2005, and December 15, 2005, petitioner filed with the circuit clerk untimely pro se notices of appeal from the order.

support the request that he be allowed to proceed with the appeal.

A petitioner has the right to appeal a ruling on any petition for postconviction relief. *See Scott v. State*, 281 Ark. 436, 664 S.W.2d 475 (1984) (per curiam). With that right goes the responsibility to file a timely notice of appeal within thirty days of the date the order was entered. If the petitioner fails to file a timely notice of appeal, a belated appeal will not be allowed absent a showing by the petitioner of good cause for the failure to comply with proper procedure, regardless of the merit of the pleading denied by the court. *See Garner v. State*, 293 Ark. 309, 737 S.W.2d 637 (1987) (per curiam). The fact that a petitioner is proceeding pro se does not in itself constitute good cause for the failure to conform to the prevailing rules of procedure. *Walker v. State*, 283 Ark. 339, 676 S.W.2d 460 (1984) (per curiam). This court has specifically held that it is not the responsibility of the circuit clerk or anyone other than the petitioner to perfect an appeal. *See Sullivan v. State*, 301 Ark. 352, 784 S.W.2d 155 (1990) (per curiam).

Here, the petitioner makes no statement concerning the reason for his failure to file a timely notice of appeal. Accordingly, he has not met his burden of demonstrating that there is good cause to permit a belated appeal of the October 7, 2005, order.

Motion denied.